

**TOWN COUNCIL  
REGULAR MEETING  
APRIL 1, 1998**

**1. PLEDGE OF ALLEGIANCE**

The meeting was called to order at 7:05 p.m. by Vice-Mayor Cox and was followed by the Pledge of Allegiance.

**2. ROLL CALL**

Present were Vice-Mayor Cox and Councilmembers Bush, Paul and Weiner. Also present were Town Administrator Flatley, Town Attorney Webber, and Town Clerk Reinfeld recording the meeting. Mayor Venis was absent.

Councilmember Bush made a motion, seconded by Councilmember Weiner, to excuse Mayor Venis. In a voice vote, with Mayor Venis being absent, all voted in favor.

Vice-Mayor Cox advised that Mayor Venis was in Tallahassee meeting on the issue of the utilities surcharge.

**3. OPEN PUBLIC MEETING**

Vice-Mayor Cox advised the speakers of the Open Public Meeting procedures.

Barbara Bellieu, advised that her son (Mark) was attending tonight's meeting as he was working on a citizenship badge for the Boy Scouts.

Arthur Joseph, 13700 SW 18 Court, discussed the March 10th elections. Police Chief Jack Mackie and Fire Chief Michael Donati responded to Mr. Joseph's comments.

Al Tyler, 8090 SW 19 Court, congratulated Councilmembers Weiner and Paul on their election. He referred to an article in the Miami Herald on statements made by Judy Stern and discussed negotiating garbage contracts which should be bid out.

Dave Schaefer, 5500 SW 40 Street, distributed a petition from his neighbors requesting help to slow speeding traffic. Vice-Mayor Cox indicated that extra enforcement may be able to be provided during rush hour.

Carl Zits, 5559 SW 40 Street, concurred with Mr. Schaefer.

Edna Moore advised that she had heard that the Planning and Zoning Division would be recommending a 90 day moratorium on site plans and indicated that this was too long not to accept plans.

Bruce Novak, 4262 SW 78 Drive, congratulated the elected Councilmembers and discussed changing the zoning of certain property from residential to light commercial.

Alice Von Halle, 11871 SW 12 Place, discussed the missing railing along State Road 84. Assistant Town Administrator Robert Rawls stated that the State of Florida built the sidewalk and explained the reasoning for the breaks in the railing where it was not required for safety reasons. He advised that the fencing was a federal mandate.

Jay Enten, 4800 Hawks Bluff Avenue, welcomed the elected Councilmembers and thanked Councilmember Paul for honoring previous Councilmember Monroe Kiar's appointments to the advisory boards. He also thanked the Town for providing the concerts in the park.

Debbie Apolinario congratulated the elected Councilmembers. She indicated that the Western High School beautification program was magnificent and asked that the Town recognize this program.

Scott McCluskey, 2102 Nova Village Drive, welcomed the elected Councilmembers. He discussed the Town's emergency medical service system and asked for the study that was to be prepared. He discussed the March 10th election.

Sam Engel, 4800 SW 64 Avenue, indicated that he had heard about the proposed moratorium on site plan submittals. He recommended that plans be allowed to be submitted with a stipulation of zoning in progress with changes being made at a later date.

**4. PRESENTATIONS**

**4.1 WestFair Certificates**

Vice-Mayor Cox advised that several local organizations had contributed in various ways to the success and

colorfulness of the WestFair event. Their efforts had been acknowledged with certificates of appreciation being presented to the following: Davie Moose for having an old fashioned pancake breakfast; Davie Women's Club for its strawberry festival which was held in conjunction with the pancake breakfast; Davie Rodeo Association for the jackpot rodeo, the junior roping competition, and the hands-on rodeo experience; South Florida Barrel Racers Association for providing barrel racing competition; Norman Edwards for being the youth rodeo announcer and coordinator; the Old West Gunslingers for providing colorful skits and shoot outs; Bob and Sheri Gornto for doing the youth steer show and lamb show; Little Critters Coral for providing an antique wagon display and animal farm; Davie Police Department for providing its community safety program, police K-9 show, the mounted patrol, and the SWAT team demonstration; Broward 4-H Club for small animal education; Wings of Gold for its motorcycle display; First Florida Chapter of the Military Vehicle Preservation Association for its display; "Mac" McAllister for the history of the old West show; and the Broward County Airboat, Halftrack, and Conservation Club for the airboat display.

Vice-Mayor Cox thanked the Five Star Rodeo, Hollywood Dog Obedience Trials, and the Gold Coast Dog Handling Trials for their participation in the event which lent a broad appeal to the WestFair.

#### 4.2 Davie/Cooper City Chamber of Commerce

A representative of the Chamber was unable to be present.

#### 4.3 Open Space Presentation

Mr. Rawls discussed the Town's open space parcels and the trails system.

#### 4.4 Upcoming Special Events - Sharon Pierce-Kent and Bonnie Stafiej

Sharon Pierce-Kent, Community Services Director, announced that upcoming events included: senior volunteer luncheon (April 3rd), Latin festival (April 24th); basketball registration (begins April 15th); lifeguard certification training (April 13th - 18th); and summer program employee hiring (on-going).

Bonnie Stafiej, Special Projects Coordinator, advised that 150 Davie residents had volunteered for the waterway cleanup and thanked Central Broward Drainage District for sponsoring the cleanup. She indicated that approximately 6,000 pounds of trash was collected and the Town's Police and Fire Departments were instrumental in cleaning the canal.

Ms. Stafiej advised that upcoming events included: Western High School wrestling (April 4th); 50/60/70's Concert (April 10th); Annual Egg Hunt and Child Safety Day (April 12th); Take-A-Kid Fishing (April 18th); Concert in the Park (April 19th); and Memorial Day activities (May 24th - 25th).

#### 4.5 Comprehensive Annual Financial Report

Christopher Wallace, Director of Budget and Finance, introduced Jerry Chiacco and Michael Futterman representing Rachlin, Cohen and Holtz. Mr. Chiacco presented an overview of the Town's financial statement through September 30, 1997.

#### 7.3 National Therapy Month (April 1998)

Vice-Mayor Cox presented the proclamation to Irv Rosenbaum, Assistant Vice-Chancellor, Health Professions Division at Nova Southeastern University. Dr. Rosenbaum introduced Dr. Reba Anderson from the School of Allied Health who spoke on occupational therapy. Town Clerk Reinfeld read the proclamation.

#### 7.4 National Fair Housing Month (April 1998)

Community Development Block Grant Coordinator Shirley Prakelt, accepted the proclamation on behalf of William Thompson, of Housing Opportunities for Project Excellence, Inc. (HOPE), a fair housing organization.

#### 7.5 National Community Development Week (April 6 - 12, 1998)

Ms. Prakelt explained the proclamation. She introduced Angelo Castillo, the Community Planning and Development Director for the United States Department of Housing and Urban Development - Florida State Office, and mentioned Ann Chavez, Housing and Urban Development Representative for Broward County.

Vice-Mayor Cox indicated that item 8.1 needed to be tabled to May 6, 1998, at staff's request.

Councilmember Bush made a motion, seconded by Councilmember Paul, to table [to May 6, 1998]. In a roll call vote, the vote was as follows: Mayor Venis - absent; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

## **5. MAYOR/COUNCILMEMBER COMMENTS**

### **COUNCILMEMBER WEINER**

**GOOD LUCK WISHES.** Councilmember Weiner wished previous Councilmember Monroe Kiar well in his endeavor as a candidate for judgeship.

**CONGRATULATIONS.** Councilmember Weiner congratulated Frank Buchert who had been appointed Chief of Broward County's Fire/Rescue Division.

**STUDENT-OF-THE-MONTH.** Councilmember Weiner stated that he had attended the recent Student-of-the-Month ceremony and looked forward to the next ceremony.

**WATERWAY CLEANUP.** Councilmember Weiner appreciated Ms. Stafiej's efforts on the waterway cleanup which he attended and enjoyed participating.

**ETHICS PANEL.** Councilmember Weiner stated that he intended to explore the possibility of formulating a citizens' ethics panel.

**GIRLS' SOFTBALL TOURNAMENT.** Councilmember Weiner stated that he was enthusiastic about the girls' softball tournament for State championship which was to be hosted by the Town and the City of Plantation.

**SW 14 STREET DRAINAGE.** Councilmember Weiner stated that the Town was looking at the SW 14 Street issue and the drainage of the lake in the Shenandoah area.

**PERSONNEL RULES.** Councilmember Weiner stated that he hoped that the Personnel Rules would be revised so as not to curtail anyone's constitutional rights. He stated that employee's moral needed to "get better" and that the community needed to move ahead and get past the election.

**HOLIDAYS.** Councilmember Weiner wished everyone the best for Passover and Easter.

### **COUNCILMEMBER PAUL**

**ISSUES.** Councilmember Paul stated that she would like staff to look into the matter of a public hearing being heard on the first reading of an ordinance to obtain comments. She also thought that Council needed to receive the agenda earlier than late Friday afternoon.

**BOARD APPOINTMENTS.** Councilmember Paul stated that she was honoring previous Councilmember Kiar's appointments to boards until the expiration date or until she had met with the individual board members.

**TOWN ADMINISTRATOR'S REVIEW.** Councilmember Paul hoped that Mr. Flatley's review would be on the next agenda.

**INFORMAL MEETINGS.** Councilmember Paul stated that she would be starting a series of District 4 meetings on an informal basis. She indicated that she had scheduled a meeting for April 29th at 7:00 p.m. at the Ivanhoe Community Room and she was scheduling another meeting to be held at Western High School.

**OPEN SPACE ADVISORY COMMITTEE.** Councilmember Paul stated that she had resigned from the Committee but felt she had to under the current circumstances.

### **COUNCILMEMBER BUSH**

**BOY SCOUTS.** Councilmember Bush stated that he attended an Eagle Court of Honor for Tony Blanchard.

**ADDRESS AND SMOKE DETECTOR PROGRAMS.** Councilmember Bush stated that individuals from the Town installed smoke detectors and address numbers in homes in the Potter Park area. He thanked those involved.

**GROUNDBREAKING.** Councilmember Bush stated that he had attended the groundbreaking for Muvico Theaters.

**ANNUAL HOME TOUR.** Councilmember Paul stated that the Soroptimist International of Davie would be holding its 14th Annual Home Tour on May 2nd.

### **VICE-MAYOR COX**

**RESIGNATION/APPOINTMENT.** Vice-Mayor Cox stated that Mayor Venis had advised her that David

Brown had resigned from the Davie Water Advisory Board and he had appointed Sergio Rodriguez.

**GROUNDBREAKING.** Vice-Mayor Cox stated that she had attended the groundbreaking for Muvico Theaters and found it to be an interesting project.

**STUDENT-OF-THE-MONTH.** Vice-Mayor Cox stated that she had attended the recent Student-of-the-Month ceremony.

**RIBBON CUTTING.** Vice-Mayor Cox stated that she had attended the ribbon cutting ceremony for the Children's Golf Foundation grand opening of a facility located on Orange Drive and University Drive. She indicated that the lighting for that facility had been donated and adults were welcome to practice in the evenings.

**POLICE SHOW.** Vice-Mayor Cox stated that she attended a police show on Saturday where all the jurisdictions came out and exhibited their equipment.

**OLD DAVIE SCHOOL.** Vice-Mayor Cox announced that the Old Davie School would be having a Tea on April 5th which included entertainment from Broward Community College.

**SENIOR HALL OF FAME.** Vice-Mayor Cox advise that Ruth Forbes and Lil Olfern had been inducted into the Senior Hall of Fame.

**HIGH SCHOOL RANKING.** Vice-Mayor Cox mentioned that Nova High School had been ranked 91 among the best high schools in the nation and she conveyed her commendations.

**HOLIDAYS.** Vice-Mayor Cox wished everyone a happy holiday.

**PINE ISLAND BAY HOMEOWNERS.** Vice-Mayor Cox advised that Mayor Venis would be visiting Pine Island Bay on April 2nd to speak with residents of that homeowners' association.

## **MAYOR VENIS**

Mayor Venis was absent.

## **6. TOWN ADMINISTRATOR'S COMMENTS**

Mr. Flatley requested that the Town submit a letter of interest to have the Southwest Regional Public Service Complex placed in the Town. Council provided recommendations to the letter.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to approve that the Town Administrator send the letter with the proviso that the letter talk about exploring the establishment of such an institution. In a roll call vote, the vote was as follows: Mayor Venis - absent; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

Mr. Rawls advised that some of the residents had received a letter regarding blasting on the Muvico site. He indicated that blasting was permitted and the Town had insisted that it be allowed to monitor all activities. Mr. Rawls stated that the developers had indicated that the blasting would be at a lower level than that of the Coquina Flats.

## **7. CONSENT AGENDA**

### ***Minutes***

7.1 February 18, 1998 - Regular Meeting

7.2 March 6, 1998 - Special Meeting

### ***Proclamations***

7.3 National Therapy Month (April 1998)

7.4 National Fair Housing Month (April 1998)

7.5 National Community Development Week (April 6 - 12, 1998)

7.6 World Health Day (April 7, 1998)

### ***Resolutions***

**7.7 FACILITIES RELOCATION AGREEMENT - A RESOLUTION OF THE TOWN OF R-98-106 DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A FACILITIES RELOCATION AGREEMENT WITH BELL SOUTH TO RELOCATE OVERHEAD FACILITIES FROM DAVIE ROAD. (\$32,893.97) (tabled from March 18, 1998)**

**7.8 BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE R-98-107 BID FOR SHERIDAN STREET/I-75 LANDSCAPE PROJECT. (McCall Nursery; plants and maintenance - \$70,875)

**7.9 BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE R-98-108 BID FOR POOL CHEMICALS, CO-OP BID 98(20)R-10-04-02-18-C. (lowest bidder for each item)

**7.10 PLANNING SERVICES CONTRACT** - A RESOLUTION OF THE TOWN OF R-98-109 DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH CRAIG A. SMITH & ASSOCIATES FOR MISCELLANEOUS PLANNING SERVICES.

**7.11 AFFORDABLE HOUSING INCENTIVE STRATEGY** - A RESOLUTION OF THE R-98-110 TOWN OF DAVIE, FLORIDA, ADOPTING THE AFFORDABLE HOUSING INCENTIVE STRATEGY AS RECOMMENDED BY THE TOWN'S AFFORDABLE HOUSING ADVISORY COMMITTEE, AND WHICH CONFORMS WITH THE REQUIREMENTS OF THE STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM CREATED BY THE WILLIAM E. SADOWSKI AFFORDABLE HOUSING ACT.

**7.12 CONCURRENCY REQUIREMENTS** - A RESOLUTION OF THE TOWN OF R-98-111 DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE, BROWARD COUNTY, AND BERMAN RANCH, INC., PROVIDING FOR REMEDIAL MEASURES TO SATISFY CONCURRENCY REQUIREMENTS RELATED TO THE BERMAN STIRLING PLAT; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT. (P 11-1-97, Berman Stirling Plat, 5701 Stirling Road)

**7.13 SUBDIVISION PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-112 APPROVING A SUBDIVISION PLAT AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SUCH PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 12-1-97, Pointe West Center Plat, 3650 Weston Road) *Planning and Zoning Division approved subject to the planning report; Planning and Zoning Board approved subject to the planning report*

**7.14 GYMNASIUM/RESTROOM LEASE** - A RESOLUTION OF THE TOWN OF DAVIE R-98-113 FLORIDA, AUTHORIZING APPROVAL AND EXECUTION OF AN AGREEMENT WITH THE BROWARD COUNTY SCHOOL BOARD TO LEASE THE GYMNASIUM AND RESTROOMS FROM NOVA CENTER FOR A COED YOUTH BASKETBALL PROGRAM. (June 13 - August 22, 1998; rental fee - \$2,177.28)

**7.15 USE PERMIT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-114 AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO A USE PERMIT WITH THE BROWARD COUNTY, PARKS AND RECREATION DIVISION. (Take-A-Kid Fishing Rodeo; April 18, 1998)

**7.16 PREANNEXATION AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN ANNEXATION AGREEMENT BETWEEN PARK CITY ESTATES HOMEOWNERS ASSOCIATION, INC. AND PARK CITY MANAGEMENT CORPORATION AND THE TOWN OF DAVIE, FLORIDA.

*Ordinance - First Reading (Public Hearing to be held April 15, 1998)*

**7.17 AMENDMENT TO REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING ORDINANCE NO. 97-045 WHICH WAS AN ORDINANCE REZONING PROPERTY FROM A-1, B-1, AND B-2 TO B-3 SUBJECT TO VOLUNTARY DEED RESTRICTIONS AND A CONCEPTUAL MASTER PLAN; PROVIDING FOR SEVERABILITY; AND PROVIDING AN

EFFECTIVE DATE. (ZB 3-1-97, Country Western Store, 7550 Griffin Road)

Councilmember Paul asked that items 7.10 and 7.11 be removed from the Consent Agenda. Mr. Flatley asked that item 7.16 be removed as this item needed to be tabled to the next meeting.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to approve the Consent Agenda without items 7.10, 7.11 and 7.16. Town Clerk Reinfeld read the ordinances-first reading by title only.

Vice-Mayor Cox advised that a public hearing on item 7.17 would be held on April 15, 1998. In a roll call vote, the vote was as follows: Mayor Venis - absent; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

7.10 Councilmember Paul stated that she was concerned with the wording of miscellaneous services and indicated that she would like to know each item and the cost. She also asked if each item would be returned to Council.

Michele Mellgren, Director of Development Services, explained the agreement and replied negatively to each item being returned to Council. Councilmember Paul indicated that she would appreciate a status report with discussion following.

Councilmember Weiner made a motion, seconded by Councilmember Bush, to approve. In a roll call vote, the vote was as follows: Mayor Venis - absent; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

7.11 Councilmember Paul discussed her concerns with the backup document which were addressed by Ms. Mellgren and Ms. Prakelt.

Councilmember Weiner made a motion, seconded by Councilmember Bush, to approve. In a roll call vote, the vote was as follows: Mayor Venis - absent; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

7.16 Mr. Flatley asked that this item be tabled for one meeting.

Councilmember Weiner made a motion, seconded by Councilmember Bush, to table [April 15, 1998]. In a roll call vote, the vote was as follows: Mayor Venis - absent; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

## **8. SITE PLANS**

8.1 SP 10-1-97, Eckerd's - Griffin Road, 7801 Griffin Road (B-2) (tabled from March 18, 1998) *Planning and Zoning Division approved subject to the planning report; Site Plan Committee motion was to approved per staff's recommendation with the continuation of the split block down the west facade and per staff's recommendation included in that.*

This item was tabled earlier in the meeting.

8.2 SP 1-1-98, Bristol Insurance Office Building/Berman Stirling Plat, 5701 Stirling Road (B-2) *Planning and Zoning Division denied subject to the planning report; Site Plan Committee approved based on the amended staff report that the Mahoganies' on the rear fence line and the eastern fence line against the residential portion of the property, be 30 feet on center; that the petitioner provide a letter of the agreement between the Association and the property owner; that the dry retention area have a meandering, clumping, grouping of Bald Cypress, Red Maple, and fern; that the front landscaping area have Sabal Palms, Mahogany, and Wax Myrtle in place of the Bald Cypress and Red Maple; that Green Buttonwood be changed to the Pink Tabebuia and Washingtonia Palms against the building to triple cluster Carpenteria; change the Tabebuia in number E; and that the other three architectural elevations have some sort of relief at the entrance similar to, but not as elaborate, as the front entrance* Dan Fee, representing the petitioner, was present. Gayle Easterling, Planning and Zoning Manager, read the planning report.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to approve subject to the revisions made at the Site Plan Committee meeting. In a roll call vote, the vote was as follows: Mayor Venis - absent; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

## 9. PUBLIC HEARINGS

Vice-Mayor Cox opened the public hearing portion of the meeting.

### *Ordinances - Second and Final Reading*

**9.1 REZONING/CONCEPTUAL MASTER PLAN - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING APPLICATION ZB 10-3-97 AMENDING ORDINANCE 89-1 BY CHANGING SECTION 1. b. TO PROVIDE FOR A REVISION TO THE APPROVED CONCEPTUAL MASTER PLAN ASSOCIATED WITH THE REZONING APPROVAL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 10-3-97, Stor-All, Inc./Morse Operations, Inc., 3700 University Drive) (tabled from March 18, 1998)**

Town Clerk Reinfeld read the ordinance by title.

Vice-Mayor Cox asked if anyone wished to speak for or against the ordinance.

Ms. Mellgren provided an update regarding required deed restrictions which had been acquired subsequent to the tabling of this item at the meeting of March 18, 1998.

Al Tyler, 8090 SW 19 Court, had no objections to the ordinance after questioning the current zoning of the property.

Vice-Mayor Cox asked if anyone else wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Venis - absent; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

**9.2 COMPREHENSIVE PLAN AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING APPLICATION LABC(SS)-98-1D, AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE PLAN MAP DESIGNATION OF CERTAIN LANDS FROM "RESIDENTIAL (10 DU/AC)" TO "RESIDENTIAL (22 DU/AC)"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

(northeast corner of State Road 7 and State Road 84 intersection)

Town Clerk Reinfeld read the ordinance by title. Ms. Mellgren explained the ordinance.

Bonnie Miskel, representing the applicant, explained the amendment.

Vice-Mayor Cox asked if anyone wished to speak for or against the ordinance.

Al Tyler, 8090 SW 19 Court, was not in favor of the ordinance.

George Counts, 2449 Nassau Lane, was concerned with the density being doubled and spoke against the ordinance. He distributed a letter from Timothy A. Welch, Engineering Design Manager with the City of Fort Lauderdale to confirm his contention that plans had not been submitted to the permit review division regarding wastewater service issues for the subject property.

Arthur Joseph, 13700 SW 18 Court, questioned how the density could be doubled without adversely impacting the area.

Vice-Mayor Cox closed the public hearing.

Ms. Miskel discussed the proposed development addressing issues which had been mentioned.

Councilmember Bush made a motion, seconded by Councilmember Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - absent; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - no; Councilmember Weiner - yes. (Motion carried 3-1)

**9.3 VACATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, 98-17 VACATING A PORTION OF 60 FOOT WIDE ROAD RIGHT-OF-WAY AND CUL-DE-SAC EASEMENT FOR HAWKE'S BLUFF AVENUE, TOGETHER WITH 12 FOOT UTILITY EASEMENT, 24 FOOT ROADWAY AND LANDSCAPE EASEMENT, AND 12 FOOT ANCHOR EASEMENT LOCATED ADJACENT TO HAWKE'S BLUFF AVENUE AND LOCATED WITHIN THE BRITANNIA PLAT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (VA 9-1-97, Miller, Legg & Associates, Inc./Ivanhoe Land Investment, Inc., 15401 Sheridan Street)**

Town Clerk Reinfeld read the ordinance by title.

Ms. Mellgren refreshed Councilmembers on the objective of the ordinance.

Vice-Mayor Cox asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Bush made a motion, seconded by Councilmember Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - absent; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

#### *Quasi Judicial Items*

**9.4 REZONING** - ZB 5-3-97, CDI Engineering & Planning/Sublime Inc., 5900 SW 70 Avenue (from R-2 to B-1) (tabled from March 18, 1998) *Planning and Zoning Division approved subject to the planning report; Planning and Zoning Board approved subject to the planning report*

Bill Laystrom, representing the petitioner, was present and provided background information about issues which had been discussed with neighbors to the property. He indicated that the current proposal was a win/win situation between the neighbors and petitioner as it had increased the buffering plus provided additional flexibility in the site design. Daniel A. Fee, also representing the petitioner, spoke on other issues which had successfully been negotiated between the owner and neighbors.

Mr. Webber asked if anyone wished to provide testimony in favor of or opposition to the issues which Council was currently considering.

Vice-Mayor Cox indicated that she had spoken with some of her neighbors on the problems which existed with the adjoining roadway.

Mr. Webber advised that the rules concerning the admission of evidence would apply as this was a continuation of the last hearing. Town Clerk Reinfeld swore in the witnesses.

The following individuals spoke:

James Birch, 5880 SW 70 Avenue, indicated that he represented three of the four homeowners adjacent to the subject site and was opposed to the rezoning. He distributed a letter and pictures into evidence and clarified his major concerns.

Damiano Pignato, representing Calder Farms Homeowners' Association, spoke in opposition to the rezoning stating that a residential buffer was promised when the property was rezoned twelve years ago.

William Rodgers, 5860 SW 70 Avenue, stated that his concerns regarded traffic issues.

Bill Billard, 6801 SW 59 Court, spoke in opposition of the rezoning.

Jimmie Rodgers, 5860 SW 70 Avenue, was opposed to the rezoning.

Vice-Mayor Cox closed the hearing.

Mr. Laystrom responded to the comments which had been made and answered questions of Council. Discussion ensued.

Councilmember Bush made a motion to approve. He withdrew his motion due to the lack of a second.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to deny. In a roll call, the vote was as follows: Mayor Venis - absent; Vice-Mayor Cox - yes; Councilmember Bush - no; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 3-1)

## **10. ORDINANCES**

### ***First Reading (Public Hearing to be held April 1, 1998)***

**10.1 REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM R-2 TO B-1; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 5-3-97, Fee/Sublime, Inc., 5900 SW 70 Avenue) (tabled from March 18, 1998)

This item had been withdrawn earlier in the meeting.

### ***Ordinance - Second and Final Reading***

**10.2 STAFF REQUESTING A TABLING TO APRIL 15, 1998**

**REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM R-2 TO B-1; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 5-3-97, Fee/Sublime, Inc., 5900



SW 70 Avenue) (tabled from February 4, 1998)  
This item had been withdrawn earlier in the meeting.

## **11. RESOLUTION**

11.1A A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SUPPORTING THE R-98-115 REMOVAL OF SW 26 STREET FROM THE BROWARD COUNTY TRAFFICWAYS PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

*or*

11.1B A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, OPPOSING THE REMOVAL OF SW 26 STREET FROM THE BROWARD COUNTY TRAFFICWAYS PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice-Mayor Cox advised that Council needed to determine which of the two resolutions it supported. Ms. Mellgren explained that the Broward County Planning Council had recommended that the street be removed from the trafficways plan in order to insure that it would not be widened to a four-lane street in the future. In a brief discussion which followed, Council concurred.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to approve item 11.1A. In a roll call, the vote was as follows: Mayor Venis - absent; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

## **12. APPOINTMENT**

12.1 Joint Economic Development Steering Committee (term expires August 1998; appointment of one Councilmember)

Councilmember Bush nominated Councilmember Paul, seconded by Councilmember Weiner. In a roll call, the vote was as follows: Mayor Venis - absent; Vice-Mayor Cox - yes;

Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

12.2 Open Space Advisory Committee (term expires July 1998; exclusive appointment - Councilmember Weiner)  
Councilmember Weiner deferred his appointment.

## **13. DISCUSSION AND POSSIBLE ACTION**

13.1 Registration of Lobbyists

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE TOWN CODE BY ADDING TO CHAPTER 2, ARTICLE IV, ENTITLED "REGISTRATION OF LOBBYIST" REQUIRING DISCLOSURE OF THE IDENTITY AND ACTIVITIES OF PERSONS WHO ENGAGE IN EFFORTS TO INFLUENCE COUNCILMEMBERS AND MEMBERS OF ADVISORY BOARDS AND COMMITTEES EITHER BY DIRECT COMMUNICATION TO SUCH OFFICIALS OR BY SOLICITATION OF OTHERS TO ENGAGE IN SUCH EFFORTS; PROVIDING FOR DEFINITIONS; PROVIDING FOR LOBBYING REGISTRATION AND STATEMENTS; PROVIDING FOR INVESTIGATION OF VIOLATIONS; PROVIDING FOR NULLIFICATION OF VOTES FOR FAILURE TO DISCLOSE; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Weiner explained the intent was to have lobbyists disclose who they represented in order for the public to be informed. Mr. Webber commented on a point of concern he had regarding the nullification of votes and indicated that the punitive issues needed to be addressed. Discussion ensued with Councilmembers expressing their opinions of the pros and cons of this proposal. Mr. Webber indicated that he would work on the proposal based on the comments which had been made tonight. It was the consensus of Council to defer this item to a workshop and that workshop date would be determined at the first Council meeting in May.

13.2 Emergency Medical Services

Mr. Flatley advised that it had been an established goal to have the firefighters become a one tiered, cross trained, dual certified department, with a first step in that phasing process being to have the ability to take over a station. He asked that EMS Coordinator Jose Rivero speak on the progress of that goal.

Vice-Mayor Cox indicated that she would like Mr. Rivero to develop a time line for obtaining two vehicles and

training of staff. She added that she would also like to know when the transition would happen, which stations would be taken over, a cost analysis, response times, etc. Vice-Mayor Cox stated that this would develop a plan so everyone knew what was happening and the goal that was being worked toward. Deputy Chief DePaola indicated that a commitment of funds was needed to hire two more staff members in addition to the one position that was budgeted and the two pieces of equipment.

Councilmember Paul stated that she was looking to Mr. Rivero for a plan that was developed by the management and labor and a review committee being established to review costs. She added that a review committee might also be able to help develop the plan. Vice-Mayor Cox stated that a report was needed from Mr. Wallace as to how these issues fit into the budget.

Councilmember Weiner made a motion, seconded by Councilmember Paul, that subject to Mr. Wallace's saying that money was available, that the Town purchase two units that were available as demo units and allocate money to hire two additional firefighter/paramedics or paramedics if cross trained were not available to start the training process. In a roll call vote, the vote was as follows: Mayor Venis - absent; Vice-Mayor Cox - no; Councilmember Bush - no; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 2-2; this item was automatically tabled to the April 15, 1998 Council meeting)

Chief Donati indicated that staff would begin working on a plan to provide Council with the information needed to make a decision on this issue.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to withhold 20% from the payment due for the month February or March whichever one has not been paid to AMR from the monthly subsidy. In a roll call vote, the vote was as follows: Mayor Venis - absent; Vice-Mayor Cox - no; Councilmember Bush - no; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 2-2; this item was automatically tabled to the April 15, 1998 Council meeting)

Councilmember Paul questioned if staff could be given a timeframe to provide the report to Council. Vice-Mayor Cox indicated that she had assumed that the report would be provided by the next Council meeting.

### 13.3 Charter Matters Previously Deferred by Council

Mr. Webber cited the two recommendations [public input at Council meetings and Fire Department language to be consistent with Police Department] made by the Charter Review Board which were pending for discussion and possible action. Councilmember Paul elaborated on them providing an explanation for their purpose and indicating that she hoped they would go to referendum in the November election. In the discussion that followed, Council agreed to defer the issue until a full Council was present to determine the forum in which the issue should be addressed.

### 13.4 Personnel Rules Changes

**AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, REVISING THE TOWN OF DAVIE'S PERSONNEL RULES AND REGULATIONS BY AMENDING RULE I, SECTION 5, AND RULE XIV, SECTION 3; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Town Clerk Reinfeld read the ordinance by title.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to approve. In a roll call, the vote was as follows: Mayor Venis - absent; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

### 13.5 Open Bid Concept

Councilmember Paul expressed her concern on an interpretation of wording in the Charter with regard to the open bid concept. She explained that the intent of a revision to the Charter was misconstrued which was the cause of controversy regarding the garbage contract negotiations. A lengthy discussion ensued and Procurement Manager Herb Hyman provided information regarding the request for proposal process. Councilmember Weiner suggested a solution which was to clarify the wording in the Charter in order to provide guidance until the next Charter Review Board convened.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to have Mr. Webber draft an ordinance interpreting that portion of the Charter to mean competitive selection and competitive negotiation as

binding to Florida Statute 87.055. In a roll call vote, the vote was as follows: Mayor Venis - absent; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

### 13.6 Proposed One Cent Gas Tax for Homeless Programs

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, URGING THE FLORIDA R-98-116 LEGISLATURE AND THE GOVERNOR TO AUTHORIZE THE BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS THE ABILITY TO USE ONE (1) CENT OF ITS LOCAL OPTION MOTOR FUEL TAXES TO ADDRESS THE NEEDS OF OUR COMMUNITY'S HOMELESS CHILDREN, WOMEN, MEN AND FAMILIES.

Mr. Flatley mentioned the other municipalities and organizations who were in support of this resolution. He spoke on the benefits which would be received if the proposal was to be passed by the Florida Legislature.

Councilmember Paul made a motion, seconded by Councilmember Bush, to approve. In a roll call vote, the vote was as follows: Mayor Venis - absent; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

### 13.7 Zoning in Progress - Proposed Additions to Town Code

Ms. Mellgren explained that staff had proposed a 90 day suspension for the review of site plans for commercial and industrial buildings in order to make changes in the Code to develop aesthetic design guidelines and standards. She indicated that the suspension would not include any plans that were already in progress. In the discussion that followed, Councilmembers expressed their concerns and opinions. Mr. Webber clarified that a zoning in progress was not a moratorium and he explained the difference. Vice-Mayor Cox suggested that staff submit an outline of standards before Council considered implementing a zoning in progress; thereby minimizing the length of time that the zoning in progress would be in effect. Ms. Mellgren proposed that staff would prepare the general framework of the standards which should be added to the Code in order for Council to review those concepts at the April 15th meeting. She would then have the Site Plan Committee review those additions before returning it to Council for codification. Council was in agreement with that proposal.

### 13.8 Broward Community College Request to Hire Davie Police Officer

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE R-98-117 APPLICATION FOR FUNDING OF THE UNIVERSAL HIRING GRANT FOR ADDITIONAL POLICE OFFICERS UNDER THE COMMUNITY ORIENTED POLICING PROGRAM ADMINISTERED BY THE U.S. DEPARTMENT OF JUSTICE

Police Chief Jack Mackie provided an overview of a proposed arrangement with Broward Community College (BCC) and Florida Atlantic University (FAU) to assign two Davie police officers to those locations five days a week. He explained the terms of the agreement with BCC and FAU for the first three years of the grant, and that both institutions were willing to enter into a contractual agreement to absorb the full cost of maintaining the two officers following the expiration of that grant.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Venis - absent; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

Councilmember Weiner made a motion, seconded by Councilmember Paul, to add item 13.9, annual review of Robert Flatley to the agenda. In a voice vote, with Mayor Venis being absent, all voted in favor. (Motion carried 4-0)

### 13.9 Annual Review of Robert Flatley

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE R-98-118 TOWN COUNCIL ANNUAL REVIEW OF THE WORK PERFORMANCE OF ROBERT FLATLEY AND REASSESSMENT OF GOALS AND OBJECTIVES TO OCCUR AT A SPECIAL MEETING OF THE TOWN COUNCIL DURING A PERIOD WITHIN SEVENTY-FIVE (75) DAYS PRIOR TO JULY 1, 1998; AND PROVIDING AN EFFECTIVE DATE.

Vice-Mayor Cox advised that although she wanted to participate in the review of Mr. Flatley's contract, she was

unable to attend the April 15th meeting when the review was scheduled to take place. Since Mr. Flatley was agreeable to having his review at another time, she asked that it be rescheduled. Council agreed to defer this issue to a special meeting on Wednesday, June 10, 1998, at 5:30 p.m.

Councilmember Bush moved to approve, seconded by Councilmember Paul. In a roll call vote, the vote was as follows: Mayor Venis - absent; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

#### **14. ADJOURNMENT**

There being no objections or further business, the meeting was adjourned at 1:56 a.m.

